

FILED

DEC - 6 2002

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**MARCIAL ANTONIO RIQUELME,
204B Waters Hall
Manhattan, KS 66506**

Plaintiff,

v.

**CENTRAL INTELLIGENCE AGENCY,
Central Intelligence Agency
Washington, DC 20505**

Defendant.

CASE NUMBER 1:02CV02382

JUDGE: Richard J. Leon

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 12/06/2002

ECF

COMPLAINT FOR INJUNCTIVE RELIEF

INTRODUCTION

This is an action under the Freedom of Information Act, 5 U.S.C. § 552, as amended (FOIA), to order the production of documents from the Central Intelligence Agency (CIA) regarding certain United States activities in Paraguay during certain years within the period ranging from 1970 to 1984.

JURISDICTION AND PARTIES

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(b).
2. Plaintiff, Marcial Antonio Riquelme is the requestor of the agency records regarding Operation Condor, a clandestine operation in Paraguay and elsewhere in southern Latin America, which are improperly being withheld.
3. Defendant CIA is an agency of the United States, and it maintains possession of and control over the records Professor Riquelme seeks.

CAUSE OF ACTION

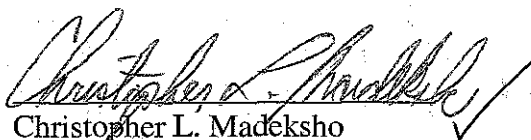
4. Prof. Marcial Riquelme, is a native Paraguayan sent into exile in 1962 first to the United States, then to Mexico, and after ten more years, back to the United States, and is currently a professor of Latin American studies at Kansas State University.
5. On May 17, 2000, he submitted a FOIA request for documents to the CIA. His request was denied by the CIA in a final response on December 14, 2000, effectively exhausting his administrative remedies. *See* Exhibit A.
6. The CIA alleged that it is exempt from disclosure based on the national security exemption in 5 U.S.C. § 552(b)(1).
7. The CIA also alleged that it is exempt from disclosure based on a statutory exemption supposedly found in the National Security Act of 1947 and the Central Intelligence Agency Act of 1949, as amended. 5 U.S.C. § 552(b)(3).
8. The Plaintiff contends that the CIA is not exempt from disclosure because they have failed to demonstrate "why the information at issue properly falls within one or more of the categories of classifiable information". *Aftergood v. CIA*, 1999 U.S. Dist. Lexis 18135 (D.C.C.A., 1999).

WHEREFORE, Plaintiff requests this Court:

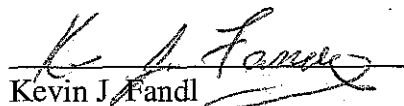
- (1) Take jurisdiction of this cause;
- (2) Order Defendant to provide Plaintiff with the requested documents;
- (3) Award Plaintiff with his costs and reasonable attorneys fees in this action pursuant to 5 U.S.C. § 552(a)(4)(E);
- (4) Expedite this lawsuit pursuant to 28 U.S.C. § 1657(a);

- (5) Issue a written finding, pursuant to 5 U.S.C. § 552(a)(4)(F), that the circumstances surrounding the withholding raise questions whether the agency personnel acted arbitrarily or capriciously with respect to the withholding; and
- (6) Grant such other relief as the Court may deem just and proper.


Respectfully submitted,



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On this ____ Day of _____, 2002.